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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

GRACE E. LA	)	<b>Case No.: 08 CV 0532WQH WMc</b>
	)	
v.	)	<b>NOTICE OF MOTION TO DISMISS</b>
	)	<b>FOR LACK OF PERSONAL</b>
ANDRA LEONARD ALLEN;	)	<b>JURISDICTION AND VENUE OR IN</b>
FOREVER DIAMONDS, a business entity of	)	<b>THE ALTERNATIVE TO TRANSFER</b>
unknown origin, and DOES 1 through 50,	)	<b>VENUE, MOTION TO DISMISS FOR</b>
inclusive	)	<b>FAILURE TO STATE A CLAIM AND</b>
	)	<b>MOTION TO STRIKE</b>
	)	<b>[Fed. Rules of Civ. Proc. 12(b)(2);</b>
	)	<b>12(b)(3); 12(b)(6); and 12(f); 28 U.S.C.</b>
	)	<b>§§1404 and 1406]</b>
	)	
	)	<b>DATE: JUNE 16, 2008</b>
	)	<b>TIME: 11:00 AM</b>
	)	<b>DEPT: 4</b>
	)	<b>JUDGE: Hon. William Q. Hayes</b>
	)	
	)	<b>COMPLAINT FILED: March 21, 2008</b>
	)	<b>TRIAL: none set</b>
	)	
	)	<b>NO ORAL ARGUMENT UNLESS</b>
	)	<b>REQUESTED BY THE COURT</b>

TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN THAT ON June 16, 2008, at 11:00 A.M., or as soon thereafter as counsel may be heard by the above-entitled Court, in the Courtroom of Judge William Q. Hayes, Defendants, Andra Allen ("Allen") and Forever Diamonds ("Forever Diamonds"), will move the Court

NOTICE OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND VENUE OR IN THE  
ALTERNATIVE TO TRANSFER VENUE, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND  
MOTION TO STRIKE

for a Motion to Dismiss for Lack of Personal Jurisdiction, a motion to Dismiss for Lack of Venue or in the Alternative, a Motion to Transfer Venue; and a Motion to Dismiss for Failure to State a Claim; and Motion to Strike. These Motions are brought on the following grounds that:

- Defendants are not subject to personal jurisdiction in California;
- Venue in the Southern District of California is improper;
- That Plaintiff Fails to State a Claim as to the Following Causes of Action:
  - First Cause of Action for Securities Fraud
  - Second Cause of Action for RICO
  - Fifth Cause of Action for Intentional Misrepresentation
  - Seventh Cause of Action for Recession of Sale of Security
  - Eighth Cause of Action for Violation of Nevada Revised Code §90.660
  - Tenth Cause of Action for Declaratory Relief
- That Plaintiff's Allegations of DOE Defendants must be stricken.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Andra Allen, the Request for Judicial Notice, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of hearing.

Dated: May 9, 2008

Respectfully Submitted,

s/Timothy P. Dillon  
 Attorneys for Defendants,  
 Andra Leonard Allen and Forever Diamonds  
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